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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAFAEL GUERRERO,

Plaintiff,

v.

AHMSI,

Defendant.

2:12-CV-584 JCM (GWF)

ORDER

Presently before the court is defendant American Mortgage Servicing, Inc.'s (incorrectly named as AHMSI) motion to dismiss. Doc. #7. Plaintiff has failed to file an opposition.

Pursuant to Local Rule 7-2, an opposing party must file points and authorities in response to a motion and failure to file a timely response constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *See* LR IB 7-2(d); *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*, the court finds dismissal appropriate.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to dismiss (doc. #7) be, and the same hereby is, GRANTED.

DATED June 12, 2012.


UNITED STATES DISTRICT JUDGE